



Entered on Docket
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Fifth Omnibus Objection
Of USACM Trust To Unallocated
Amounts of Proofs Of Claim**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Fifth Omnibus Objection Of USACM Trust To Unallocated Amounts of Proofs Of Claim ("Unallocated Amount") [DE 8701] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS ORDERED that:

1. The Objection [DE 8701] is sustained;

1 2. The Proofs of Claim listed on **Exhibit A** attached are disallowed to the
2 extent the amount of the claim as stated on the face of proof of claim exceeds the amount
3 of the claim supported by the documentation provided with the proof of claim, i.e., the
4 Unallocated Amount as shown on **Exhibit A** attached; and

5 3. This order concerns only the Unallocated Amount of the claim and not any
6 other claim of the claimants.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust
Unallocated Amounts Of Proofs Of Claim
Multiple Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because The Trust Could Not Allocate Amount to a Specific Direct Lender Loan
10725-00718	10/25/2006	Faradjollah, Jack	10851 Furlong Dr Santa Ana, CA 92705	79,003.38	6,108.89
10725-02467	6/1/2007	Foxcroft Living Trust Dtd 1/10/02	Fred J & Roberta Foxcroft Ttees PO Box 362 Carmelian Bay, CA 96140-0362	553,778.99	8,778.99
10725-02031	1/11/2007	Freda Newman Trust Dtd 7/26/84	Freda Newman Trustee C/O Daniel Newman 125 Elysian Dr Sedona, AZ 86336	467,009.44	14,651.46
10725-02404	1/17/2007	Freedus Jt Ten, Eric B & Linda P	5008 Nighthawk Way Oceanside, CA 92056	608,838.00	4,419.00
10725-01964	1/10/2007	Gold Plated Llc	C/O Dwight W Harouff Manager 5680 Ruffian St Las Vegas, NV 89149-1261	1,505,718.54	2,859.27
10725-01971	1/10/2007	Goode, James Paul	92-1500 Makakilo Dr Kapolei, HI 96707	1,417,522.98	456,757.12
10725-01541	12/7/2006	Graham Family Trust Dtd 10/26/78	Robin B & Celia Allen Graham Ttees 1460 Twinridge Rd Santa Barbara, CA 93111-1223	503,808.00	395.64
10725-02155	1/12/2007	Gunning, Toby	7245 Brockway Ct Reno, NV 89523	291,199.86	599.93
10725-02285	1/12/2007	Handal, John A M Ira	First Savings Bank Custodian For 3575 Siskiyou Ct Hayward, CA 94542	507,345.84	3,672.92
10725-01963	1/10/2007	Harouff Charitable Remainder Trust Dtd 9/5/96	Dwight W & Mary Ann Harouff Ttees 5680 Ruffian Rd Las Vegas, NV 89149	568,181.96	4,090.98

EXHIBIT A

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